Remarks

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and the following remarks. The specification has been amended to correct minor typographical errors. For example, "PCS" has been changed to properly read "PSC" in two locations. Also, four mistyped reference numbers have been corrected (e.g., "506" instead of "504"). Claims 1-28, and 46-50 remain pending in the current application. Claims 29-45 have been withdrawn. Claims 4,18, and 47 have been amended to address minor typographical errors and not for reasons related to patentability. For example, "63" has been changed to "64" in claim 4, "68" has been changed to "32" in claim 18, and a missing hyphen has been added to claim 47. Claims 1, 17, and 46 have been amended to further clarify the distinction of the claimed subject matter over the cited art. Claims 29-45 have been withdrawn as the result of an earlier restriction requirement. In view of the earlier restriction requirement, Applicant retains the right to present claims 29-45 in a divisional application.

I. Objection to the Drawings/Specification

The Office Action objected to the drawings as failing to comply with 37 C.F.R § 1.84(p)(5) because they included two reference signs not mentioned in the description. The specification has been amended to properly mention the two reference signs. Therefore, Applicant respectfully requests that the objection to the drawings be removed.

II. Claim Rejections under 35.U.S.C. § 112

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, because the first width is cited as being 68. Claim 18 has been amended to indicate that the first width is 32. Therefore,

Applicant respectfully requests that the rejection of claim 18 under 35 U.S.C. § 112 be

withdrawn.

III. Claim Rejections under 35 U.S.C. § 102

Claims 1, 8-10, 13, 17-23, 26-28, 46-48, and 50 are rejected under 35 U.S.C. § 102(b) as

being anticipated by U.S. Patent No. 5,950,223 to Chiang et al. ("Chiang").

These rejections are respectfully traversed.

a. Claims 1, 8-10, and 13

Independent claim 1 is directed to method for maintaining throughput in a data element,

and requires: "receiving <u>in a switch</u> a clock and a plurality of instances of data having a first

width on an input, wherein <u>the switch comprises at least one media access controller</u>" (emphasis

added).

Chiang fails to teach or suggest a method for maintaining throughput in a data element

requiring receiving in a switch a clock and a plurality of instances of data having a first width on

an input, wherein the switch comprises at least one media access controller, such as recited in

independent claim 1. Chiang discloses a dual-edge extended data out (DE^2DO) memory,

described at col. 4, line 43 to col. 7, line 45, and in the corresponding FIG. 3. While Chiang does

discuss the reading and writing of data in a memory, it is understood to disclose nothing related

to a switch, much less a switch containing at least one media access controller. For example, as

pointed out in the Office Action, Chiang discusses a memory controller interfacing to a 32-bit

data bus using two 32-bit DE^2DO DRAM arrays (col. 3, lines 55-57), but a word search for the

word "switch" in Chiang produced only three entries, all three of which were verb forms of the

"switch" (i.e., "switches" and "switched"). Furthermore, a word search for the word "media" in Chiang produced no entries, signifying that Chiang contains zero references or suggestions to any type of media access controller. Therefore, Chiang fails to teach or suggest "receiving in a switch a clock and a plurality of instances of data having a first width on an input, wherein the switch comprises at least one media access controller," as recited in independent claim 1. Accordingly, Applicants respectfully request that the 35 U.S.C. § 102(b) rejection be withdrawn from independent claim 1.

Dependent claims 8-10 and 13 depend directly or indirectly from independent claim 1 and are allowable for at least the reasons recited above in support of their parent claim 1. They are also independently patentable. Accordingly, the 35 U.S.C. § 102(b) rejections of claims 8-10 and 13 should be withdrawn.

b. Claims 17-23 and 26-28

Independent claim 17 is directed to a method for maintaining throughput in a data element, and requires: "transmitting the clock and first plurality of instances of data having the first width to a second element, wherein the second element represents a first component of a media access controller" (emphasis added).

Chiang fails to teach or suggest a method requiring transmitting the clock and first plurality of instances of data having the first width to a second element, wherein the second element represents a first component of a media access controller, such as recited in independent claim 17. While Chiang does discuss the reading and writing of data in a memory, it is understood to disclose nothing related to a media access controller. For example, as pointed out in the Office Action, Chiang discusses a memory controller interfacing to a 32-bit data bus using

two 32-bit DE^{2}DO DRAM arrays (col. 3, lines 55-57), but a word search for the word "media" in

Chiang produced no entries, signifying that Chiang contains zero references or suggestions to

any type of media access controller. Therefore, Chiang fails to teach or suggest "transmitting the

clock and first plurality of instances of data having the first width to a second element, wherein

the second element represents a first component of a media access controller," as recited in

independent claim 17. Accordingly, Applicants respectfully request that the 35 U.S.C. § 102(b)

rejection be withdrawn from independent claim 17.

Dependent claims 18-23 and 26-28 depend directly or indirectly from independent claim

17 and are allowable for at least the reasons recited above in support of their parent claim 17.

They are also independently patentable. Accordingly, the 35 U.S.C. § 102(b) rejections of

claims 18-23 and 26-28 should be withdrawn.

c. Claims 46-48 and 50

Independent claim 46 is directed to a method for maintaining throughput in a data

element, and requires: "receiving in a switch a first data having first bit-width bits, management

bits and clock bits, wherein the switch comprises at least one physical layer device" (emphasis

added).

Chiang fails to teach or suggest a method requiring receiving in a switch a first data

having first bit-width bits, management bits and clock bits, wherein the switch comprises at least

one physical layer device, such as recited in independent claim 46. While Chiang does discuss

the reading and writing of data in a memory, it is understood to disclose nothing related to a

media access controller. For example, as pointed out in the Office Action, Chiang discusses a

memory controller interfacing to a 32-bit data bus using two 32-bit DE^{2}DO DRAM arrays (col.

3, lines 55-57), but separate word searches for the words "physical" and "layer" in Chiang produced no entries, signifying that Chiang contains zero references or suggestions to any type of physical layer device. Therefore, Chiang fails to teach or suggest "receiving in a switch a first data having first bit-width bits, management bits and clock bits, wherein the switch comprises at least one physical layer device," as recited in independent claim 46. Accordingly, Applicants respectfully request that the 35 U.S.C. § 102(b) rejection be withdrawn from independent claim 46.

Dependent claims 47, 48, and 50 depend directly or indirectly from independent claim 46 and are allowable for at least the reasons recited above in support of their parent claim 46. They are also independently patentable. Accordingly, the 35 U.S.C. § 102(b) rejections of claims 47, 48, and 50 should be withdrawn.

IV. Claim Rejections under 35 U.S.C. § 103

Claims 2-5, 15, 16, and 49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiang in view of PCI Local Bus Specification Rev. 2.1 ("PCI Spec").

Claims 6, 7, 11, 12, 14, 24 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiang in view of U.S. Patent No. 5,812,792 to Haddock et al. ("Haddock").

These rejections are respectfully traversed.

a. Claims 2-5, 15, and 16

Dependent claims 2-5, 15, and 16 depend directly or indirectly from independent claim 1 and are allowable for at least the reasons recited above in support of their parent claim 1. They

are also independently patentable. Accordingly, the 35 U.S.C. § 103(a) rejections of claims 2-5,

15, and 16 should be withdrawn. The PCI Spec does not cure the deficiencies of Chiang.

b. Claim 49

Dependent claim 49 depends from independent claim 46 and is allowable for at least the

reasons recited above in support of its parent claim 46. It is also independently patentable.

Accordingly, the 35 U.S.C. § 103(a) rejection of claim 49 should be withdrawn. The PCI Spec

does not cure the deficiencies of Chiang.

c. Claims 6, 7, 11, 12, and 14

Dependent claims 6, 7, 11, 12, and 14 depend directly or indirectly from independent

claim 1 and are allowable for at least the reasons recited above in support of their parent claim 1.

They are also independently patentable. Accordingly, the 35 U.S.C. § 103(a) rejections of

claims 6, 7, 11, 12, and 14 should be withdrawn. Haddock does not cure the deficiencies of

Chiang.

d. Claims 24 and 25

Dependent claims 24 and 25 depend directly or indirectly from independent claim 17 and

are allowable for at least the reasons recited above in support of their parent claim 17. They are

also independently patentable. Accordingly, the 35 U.S.C. § 103(a) rejections of claims 24 and

25 should be withdrawn. Haddock does not cure the deficiencies of Chiang.

V. Request for Examiner Interview

If any issues remain, the Examiner is formally requested to contact the undersigned prior to issuance of the next Office Action in order to arrange for a telephonic interview. A brief discussion of the merits of the present application may expedite prosecution. This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.
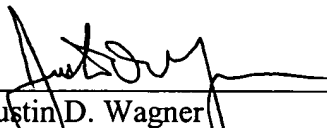
VI. Conclusion

The present application is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By   _____

Justin D. Wagner
Registration No. 54,519

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446